

REMARKS

In response to the Restriction Requirement dated January 5, 2004, Applicants hereby provisionally elect the invention of Group I, drawn to an apparatus for the production of a pocketed coil spring having a predetermined spring profile as set forth in claims 1-4 and 6-20, with traverse for the following reasons.

The Office has restricted claims 1-4, 6-21 and 23 into Group I containing claims 1-4 and 6-20 and drawn to an apparatus for the production of a pocketed coil spring having a predetermined spring profile, classified in class 29, subclass 700, and Group II containing claims 21 and 23 and drawn to a method of producing a pocketed coil spring, classified in class 29, subclass 896.92. The Office asserts that restriction is proper because the inventions are distinct in that the method recited in Group II (i.e., claims 21 and 23) can be practiced by another and materially different apparatus than the apparatus recited in Group I (i.e., claims 1-4, 6-21 and 23). Further, the Office asserts that the inventions are distinct from each other because they have acquired a separate status in the art as indicated by the Office (i.e., different class/subclass classifications).

Since the above-identified application was filed under 35 U.S.C. § 371, PCT Rule § 13 applies. Under PCT Rule § 13, unity of invention is present where “there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature.” Applicants submit that claim 1 of Group I recites a special technical feature of “a plurality of ... data arrays or tables” that corresponds to the feature of “providing ... a plurality of data arrays or tables,” recited in claim 21 of Group I. As such, the above-identified special technical features clearly establish a “technical relationship” between Groups I and II. Accordingly, the restriction between Groups I and II is improper, and therefore should be withdrawn for at least this reason alone.

Additionally, M.P.E.P. § 1893.03(d) states, “[a]n apparatus ... is specifically designed for carrying out the process when the apparatus ... is suitable for carrying out the process with the technical relationship being present between the claimed apparatus ... and the claimed process ...” As identified above, at least one of the technical relationships between Groups I and II includes a plurality of data arrays or tables. As such, Applicants submit that the invention set forth in Group I of an apparatus for the production of pocketed


coil springs is suitable for carrying out a method of producing pocketed coil springs as set forth in Group II. Section 1893.03(d) further provides, "[t]he expression specifically designed does not imply that the apparatus ... could not be used for carrying out another process, nor does it imply that the process could not be carried out using an alternative apparatus ..." Accordingly, Applicants submit that examining Groups I and II together in one application is proper and places no undo burden upon the Office. Therefore, Applicants respectfully request the Office to withdraw the Restriction Requirement with respect to Group I and Group II for this additional reason.

Examination of claims 1-4, 6-21 and 23 is next in order and such action is hereby earnestly solicited.

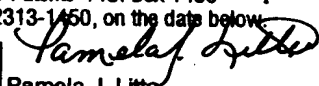
In view of all of the foregoing, it is submitted that this case is in condition for allowance and such allowance is earnestly solicited. In the event that there are any outstanding matters remaining in the above-identified application, the Office is invited to contact the undersigned to discuss this application.

Respectfully submitted,

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Date <u>2/2/04</u>	 Pamela J. Little